

REMARKS/ARGUMENTS

Applicants amended claim 36 to change the dependency to claim 25 to overcome the Examiner objection on pg. 3 of the Fifth Office Action.

1. The Amended Claims Comply with 35 U.S.C. 101

The Examiner rejected claims 25, 27-31 and 33-36 as directed to non-statutory subject matter (35 USC §101) on the grounds that the term article of manufacture may cover a signal or wave. (Fifth Office Action, pg. 3)

Applicants amended claim 25 to overcome this rejection by clarifying that the article of manufacture “comprises a computer readable medium including code enabled to cause a processor to perform” the claimed operations. Applicants submit that a computer readable medium including code comprises statutory subject matter.

For these reasons, Applicants request the Examiner to withdraw the Section 101 rejection. The attorney for Applicants request the Examiner to contact him to suggest further language if the Examiner disagrees and believes that the amended claims are still directed to non-statutory subject matter.

2. Claims 1, 3-7, 12, 13, 15, 19, 24, 25, 27, 31, and 36 are Patentable Over the Cited Art

The Examiner rejected claims 1, 3-7, 12, 13, 15, 19, 24, 25, 27, 31, and 36 as anticipated (35 U.S.C. §102(a)) over “Display of actual download time of a page when showing the pulldown menu of a forward/back button on a web browser”, IBM Research Disclosure Database No. 438161 (Oct. 2000) (“IBM reference”). Applicants traverse.

Applicants submit herewith a declaration under 37 CFR 1.131 by the inventor Rabindranath Dutta that shows facts that establish invention of the subject matter of the rejected claims prior to the effective date of the IBM reference of October, 2000, which is less than one year prior to the effective filing date of November 30, 2000 of the Application. Applicants submit that the declaration shows at least conception of the invention prior to October 2000 (the effective date of the reference) coupled with due diligence from prior to October 2000 to the filing date of the Application on November 30, 2000. See, 37 CFR 1.131(b)

For these reasons, Applicants request withdrawal of the anticipation rejection using the IBM reference.

3. Claims 4, 6, 16, 18, 28, and 30 are Patentable Over the Cited Art

The Examiner rejected claims 4, 6, 16, 18, 28, and 30 as obvious (35 U.S.C. §103) over the IBM reference and Barrett (U.S. Patent No. 5,727,129).

Applicants traverse this rejection because the IBM reference may no longer be used in a prior art rejection for the reasons discussed above with respect to the declaration submitted under 37 CFR 1.131.

4. Claims 5, 9, 17, 21, 29, and 33 are Patentable Over the Cited Art

The Examiner rejected claims 5, 9, 17, 21, 29, and 33 as obvious (35 U.S.C. §103) over the IBM reference, Barrett (U.S. Patent No. 5,727,129), and Barrick (U.S. Patent No. 6,625,647).

Applicants traverse this rejection because the IBM reference may no longer be used in a prior art rejection for the reasons discussed above with respect to the declaration submitted under 37 CFR 1.131.

5. Claims 11, 23, and 35 are Patentable Over the Cited Art

The Examiner rejected claims 11, 23, and 35 as obvious (35 U.S.C. §103) over the IBM reference and Schneider (U.S. Patent No. 6,760,746).

Applicants traverse this rejection because the IBM reference may no longer be used in a prior art rejection for the reasons discussed above with respect to the declaration submitted under 37 CFR 1.131.

6. Claims 10, 22, and 34 are Patentable Over the Cited Art

The Examiner rejected claims 10, 22, and 34 as obvious (35 U.S.C. §103) over the IBM reference, Barrett (U.S. Patent No. 5,727,129), and Killian (U.S. Patent No. 6,438,592).

Applicants traverse this rejection because the IBM reference may no longer be used in a prior art rejection for the reasons discussed above with respect to the declaration submitted under 37 CFR 1.131.

Conclusion

For all the above reasons, Applicant submits that the pending claims 1, 3-7, 9-13, 15-19, 21-25, 27-31, and 33-36 are patentable over the art of record. Applicants have not added any claims. Applicants submit herewith the fee for a two-month extension of time. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0447.

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

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By: _____

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